IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4546 of 2005

Between:

Nagothula Appala Swamy S/o Late Appala Swami
R/o Madhurawada (V) Chinagedili Mandal, Visakhapatnam District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Visakhapatnam, Visakhapatnam District
2 The Mandal Revenue Officer, Chinagadili Mandal, Madhurawada, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly one in the nature of Writ of mandamus, declaring the action of the respondents in not issuing pattadar pass books and title deeds to the petitioner patta land in survey NO.133 to an extent of Ac.8.77 cents and in Survey No. 143/4 to an extent of Ac. 1.77 cents and in Survey No. 146 to an extent of Ac. 3.56 cents of Madhurwada village Chinnagadhili Mandal, Viskhapatnam district is bad and illegal, arbitrary and violative of Article 14 of the Constitution of India, consequently direct the respondents to issue pattadar pass books and title deed to the petitioner for the above mentioned lands in the interest of justice.

Counsel for the Petitioner: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following

ORDER:

The petitioner states that he is the pattadar and absolute owner of lands in Survey Nos.133, 143/4 and 146 of Madhurawada Vilage, Chinnagadhili Mandal, Visakhapatnam District. He states that the ownership is reflected in revenue records, such as 10(2) Addangal up to the year 1982. He claims to have entered into an agreement of sale with one Mr. Chinna Krishnam Raju on 08.03.2003, in respect of Ac.4.17 cents of land in Survey Nos.131,132 and 146. His grievance is that the 2nd respondent is not issuing pattadar pass books and title deeds in his favour in respect of the said lands, in spite of submission of application.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

The A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') prescribes the procedure for preparation and issuance of pattadar pass books and title deeds in respect of the revenue lands. The question as to whether the petitioner is entitled to be issued pattadar pass books and title deeds for the lands referred to above, cannot be adjudicated by this Court at this stage. The petitioner had fairly stated that he entered into an agreement with one Mr. Chinna Krishnam Raju, in respect of the part of the land. The 1st respondent is under obligation to examine the application of the petitioner and take necessary steps in the matter of issuance of pattadar pass books. There does not exist any justification in keeping the application pending indefinitely.

Hence, the writ petition is disposed of, directing that the 2nd respondent shall consider the application and take necessary steps for issuance of pattadar pass books and title deeds in favour of the petitioner, in respect of land referred to above, in accordance with the provisions of the Act. Before issuing such pattadar pass books, he shall issue notice to Mr. Chinni Krishnam Raju, whose address the petitioner shall furnish. If the 2nd respondent is of the view that the request of the petitioner for issuance of pattadar pass books cannot be acceded to, he shall intimate the reasons thereof to the petitioner in writing. The same shall be completed within two months from the date of receipt of copy of this order. There shall be no order as to costs.

90.03.2005

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To

1 The Revenue Divisional Officer, Visakhapatnam, Visakhapatnam District
2 The Mandal Revenue Officer, Chinagadili Mandal, Madhurawada, Visakhapatnam

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.